Supreme Court, U.S.
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No. 07-124

In The

Supreme Court of The United States

J. Andrew Rice and Kathryn W. Rice,
Petitioners

v.

ADELE L. GRUBBS,
Respondent

On Petition for Writ of Certiorari
To the Supreme Court of the State of Georgia

PETITION FOR WRIT OF CERTIORARI

J. Andrew Rice, *Petitioner, Sui Juris*
Kathryn W. Rice, *Petitioner, Sui Juris*
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QUESTIONS PRESENTED

1. Should a Writ of Prohibition be issued against Respondent due to her intentional and willful denial of due process, marked by egregious bias, conspiracy, lack of jurisdiction, violations of law, racketeering, and treason as held by the US Supreme Court?
2. Should the ***Order*** of the Trial Court be overturned, as said '***Order***' was filed by a judge who was NEVER properly assigned to the subject ***Writ***, but instead to a NEVER tendered, ***Motion to Recuse Judge Ingram***, negating any assertion of lawful jurisdiction, for a matter in which no hearing was ever scheduled, denying any semblance of due process?
3. Should Respondent or any **State Judiciary of GA** Member noticed of willful crimes, be prohibited from exercising jurisdiction in any case involving Petitioners, due to Respondent and contemporaries effort to aid and abet willful/criminal acts, in violation of the Code of Judicial Conduct, federal regulations, Constitutional Mandates, and sworn Oaths of Office?
4. Can 'fraud upon the court' and 'fraudulent concealment' negate due process and property rights properly asserted, while obliterating the 'rule of law' by any court or members posing thereof, alleging jurisdiction over citizens possessing both federal and constitutional protections?

PARTIES TO THE PROCEEDING

Petitioners are J. Andrew Rice and Kathryn W. Rice.

Respondent is Adele P. Grubbs.

CORPORATE DISCLOSURE STATEMENT

As this Petition is not filed by or on behalf of a corporation, as defined by **Rule 29.6**, a Corporate Disclosure Statement is neither required nor appropriate for this Petition.

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PETITION FOR CERTIORARI

Petitioners respectfully petition this Honorable Court for a ***Writ of Certiorari*** to review the judgments rendered in the Superior Court of Cobb County Case Number 05-1-0437-18 and the decision of the Supreme Court of Georgia thereon in **S06A2024** reported at **281 Ga. 614; 641 S.E.2d 514; (2007)**. Additionally, due to Petitioners' specific claims in the ***Petition for Writ of Prohibition Against Judge Adele Grubbs*** (hereinafter ***Writ*** or ***Prohibition***), the outcome of this action (05-10273-D), directly affected and/or predetermined the status of related Cobb County Civil Action Numbers 00-1-02603-22, 02-1-04560-42, as well as associated actions 06-1-6193-05, 06-1-05564-42, 05-1-4623-99, 04-1-00020-33, 04-1-04350-42, and 00-1-9027-28. The Georgia Court of Appeals cases resulting from the aforementioned are identified as Appeal Numbers: A04A0036, A04A1244, A07A1274, A06A2449, and A07A1391. Follow on Georgia Supreme Court Appeal Numbers are: S05C0133, S06A2024, S06C0277, S07A0959, and S07C0875.

Once an appeal of cases directly involving Judge Grubbs was filed, every case pending or filed by the Rices was marked by a consistent activity involving ongoing 'fraud upon the court', despite posted judicial notices, negating the legislative or fraudulent efforts so vehemently, vigorously, and blatantly waged by Judge Grubbs and her accomplices to deny the Rices due process and Constitutional assertions. Underlying cases and Motions disclosing the overt 'fraud upon the court' efforts were specifically addressed in the ***Prohibition*** matter filing, but as repeatedly experienced by other Georgians, case files in Cobb, Gwinnett, Fulton, the GA Court of Appeals, and the GA Supreme Court, have been all too often altered, removed, or denied the 'rule of law,' with NO recourse or due process afforded by related members of the **State Judiciary of GA**.

OPINIONS BELOW

The Georgia Supreme Court's Order denying Petitioners' ***Motion for Reconsideration*** was filed on February 26, 2007. On June 29, 2007 the Honorable Justice Thomas granted an extension for filing this Petition until July 26, 2007. The Georgia Supreme Court's Order denying Petitioners' ***Motion for Stay of Remittitur***, and ***Motion for Protective Order and Temporary Restraining Order*** were filed on February 26, 2007. The Georgia Supreme Court's Order affirming in part, vacating in part, and remanding in part the Trial Court's Order to a judge NEVER assigned to the case, was filed on January 8, 2007. This Order was filed after Oral Argument, which was video recorded by the Supreme Court of the State of Georgia, but has not been reduced to transcription. The Supreme Court refused Petitioner's right to rebuttal, in opposition to every other Petitioner heard. The oral argument obtained a 5 Star Rating and can be viewed in its entirety via the worldwide web at http://www.youtube.com/watch?v=p2uB7IGZfyo.

The Trial Court record contains three 'Orders', of which one was undeniably backdated in *three different and distinct versions*, for a total of five documents. First, the '***Order***' of Judge George Kreeger was filed on May 26, 2005, wherein Kreeger ordered an out-of-circuit judge as mandated by Judicial Qualifications (hereinafter ***JQC***) **Opinion 220**, be properly assigned by the Seventh District Administrative Judge. No such assignment was ever presented to the Rices or filed in the court record, until AFTER the Rices raised this fundamental and jurisdictional issue, FOLLOWING an "Order," authored by Judge Arthur Fudger dismissing the Writ, yet citing issues relating NOT to any matter contained in the subject Writ, and without being prior assigned.

Specifically upon the Rices filing of a ***Motion to Declare Order Void***, (hereinafter ***MTDOV)*** concerning the **LMHA and the ACC of LMTHA v. Rice et al *Order*** by Judge Grubbs of April 2003, an "***Order***" was allegedly

written by Judge Arthur Fudger, who had NEVER been assigned to subject ***Writ*** matter. This assignment 'Order' did not appear and was as noted on the face of the document created 8/10/05, yet backdated, and provided the Rices by Judge George Kreeger during a hearing to declare Judge Fudger's dismissal of the subject ***Writ*** void. As fact in the presence of 11 witnesses, who filed sworn affidavits attesting to this fact, the ***Order*** provided by Kreeger was NOT contained in the subject case file on the day of the hearing, upon Judge Kreeger providing the document in open court from the bench. On the copy provided by Kreeger, was a case number in the upper left identified 05-1-0002, NOT the Writ of Prohibition Case Number 05-0437-18. Thus the backdated assignment containing a fax footer clearly provided the transmission as the night before the hearing 8/10/05 at 20:44 from the Seventh District 7703875479, was entered into a separate case file, unrelated to the ***Writ***, imposing 'fraud upon the court,' and insuring a willful denial of due process.

Moreover the alleged "**Order of Appointment of Judge**" document, did not allow Judge Arthur Fudger to rule upon or adjudicate the pending ***Writ***, but instead provided him jurisdiction **SOLELY** for a ***Motion to Recuse Judge Ingram in the case of J. Andrew and Kathryn W. Rice v. Judge Adele L. Grubbs, Civil Action Number 05-0437-18 Cobb County Superior Court.."*** There was NO ***"Motion to Recuse Judge Ingram"*** filed in this matter, and therefore the ***ONLY*** assignment fraudulently yielded to Judge Fudger was NON existent and solely rendered to impose ***'fraud upon the court.'*** Thus this fraudulent, altered, and belated assignment of Judge Fudger to a never filed '***Motion***' had been intentionally suppressed via 'fraudulent concealment,' and filed in what the Clerk's staff referred to as the "secret judge's file." noted in the upper left "05-1-0002" of the subject "***Order***."

Further this '***Order***' allegedly by Seventh District Administrative Judge Jon Bolling Wood, was filed with the Clerk of the Cobb County Superior Court on either May or June 13, 2005, as evidenced on the suppressed document, but was NEVER filed in the subject record or case file for this ***Writ of Prohibition***, (05-1-0437-18). Rather, it appears ***only*** in a hidden file creating additional fraudulent concealment efforts, acknowledged as a routine practice by the Superior Court Clerk's Staff referencing a "secret judge's file," known at that time by the nomenclature "05-1-0002".

Subsequently, this ***Order*** surfaced in three distinct versions later to be delineated, none of which were noticed or served upon Petitioners and none of which appear in the record of the case at bar for appropriate review by Appellate or reviewing authorities. Undeniably Judge George Kreeger, who officiated the latest of Judge Adele Grubbs weddings, in conjunction with Clerk Jay Stephenson, Clerk Jody Overcash, Judge Jon Bolling Wood, Judge Shepherd Howell, Judge Arthur Fudger, and the GA Attorney General's (hereinafter **AG**) Office, conspired to impose and codify via fraudulent 'case precedence' acts predicated ONLY to impose 'fraud upon the court' and 'fraudulent concealment,' as the legal standard by which the **State Judiciary of GA**, would operate.

These three versions will be discussed in detail via this Petition. The '***Order***' of Senior Judge Arthur Fudger, who is not a member of the Cobb Judicial Circuit is repeatedly and directly involved in various 'fraud upon the court,' 'fraudulent concealment' efforts, and replete denials of due process by various GA Courts (see www.marquitta.com, Petition for Writ No. 06-312, and www.wendytitelman.com). Fudger's '***Order***' was filed on July 7, 2005, **PRIOR** to the creation of the backdated assignment initially provided by Judge Kreeger, denoting a fax footer from the "Seventh District 08/10/2005 20:44 7703875479 for which pages 02 and 03 alone were provided the Rices. The 8/10/05 '***Order***' or fraudulent assignment

followed Fudger's void ab initio dismissal of the (subject Writ) Petition, causing the appeal process to begin, which would NOT contain the falsified documents or multiple versions, had the Rices NOT obtained copies of the certified record and sworn affidavits, which should be part and parcel to the record transmitted in this matter before this High Court.

All Orders addressed in this pleading are contained in the Appendix to this Petition.

JURISDICTION

The Supreme Court of Georgia (hereinafter **GA**) entered its judgment on January 8, 2007, and denied Petitioners' ***Motion for Reconsideration*** on February 26, 2007. Petitioners seek appeal, and this Court has jurisdiction under **28 U.S.C. § 1257** and **U.S. Const., Amend(s). I, IV, V, X, and XIV**.

CONSTITUTIONAL PROVISIONS AND STATUTES

This case involves co-existent Constitutional provisions of the State of Georgia (GA) and the United States (US). These provisions are as follows: **U.S. Const. Amend. I**, which is co-existent with **Ga. Const. Art. I, §. I, ¶ V & ¶ IX**, **U.S. Const. Amend. V & XIV**, which is co-existent with **Ga. Const. Art. I, § I, ¶¶ I & II**, and **Ga. Const. Art. I, §. I, par. XII**, which is protected by the **U.S. Const. Amend. X**. **U. S. Const. Art. VI, ¶ 3** is also a part of this case due to willful violations regarding oaths of office mandated by this Constitutional provision. The pertinent provisions of the U.S. Constitution and GA Constitution are contained in the Appendix to this Petition. Additionally mandates by **Title 18, Part I, Chapter I § 3**, requires those witnessing violations of law to take action, to address willful and known crimes. Moreover **Title 18, Part I, Chapter I § 4** makes known the penalty for willful concealment of fraud or

criminal acts, which the State Judiciary of GA willingly engaged in, so as to protect criminal acts carried out by Judge Grubbs for personal and professional benefit. **Also in Title 18** as defined by **Chapters 95 and 96**, Judge Grubbs along with her willful accomplices, sought to interfere with commerce via threats, violence, and fraud, engaging in prohibited activities for which they should have been tried not furthered.

STATEMENT OF THE CASE

Petitioners filed their ***Petition for Writ of Prohibition against Adele L. Grubbs*** (a.k.a. Adele P. Grubbs) after the Defendant/Respondent engaged in ex parte communications **PRIOR** to hearing any matter involving Petitioners. This act suppressed, along with her quid pro quo relationship with BC, stripped Grubbs of any lawful jurisdiction or ability to act as an unbiased trier of fact. This Court has held clearly and repeatedly, that a judge who acts without jurisdiction has engaged in acts of treason.[1]

Subsequently, Judge Grubbs threatened incarceration upon assertion of due process rights, as well as requests for investigation by US Attorneys William Duffey and David Nahmias into political corruption and judicial misconduct, while the Rices were candidates for elected office.[2] In addition, the Rices were improperly denied numerous ***Motions to Recuse and/or Disqualify*** in multiple and separate civil actions, as well as countless and willful violations of law, perpetrated without proper in personam and subject matter jurisdiction.

In sworn affidavits, resulting from a meeting with the Cobb County District Attorney (Patrick Head) and accompanying neighbors, Head disclosed Judge Grubbs had engaged in ***ex parte*** communications regarding a case

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[1] **U.S. v. Will**, 449 U.S. 200, 216, 101 S. Ct. 471, 66 L. Ed. 2d 392, 406 (1980).
[2] **Title 18**, Part I, Chapter I, USC § 3 and § 4.

(***LMHA v. Rice et al***), heard first by Judge Flournoy, which Judge Grubbs obtained, following Flournoy's hasty retirement and subsequent demise. This conversation effort regarding land deals, acquisition, and control of property took place at the Cobb County Chamber of Commerce, managed and controlled by lawyer interests, specifically tied to or associated with the law firm of Brock & Clay (aka Brock Clay Calhoun Wilson & Rogers, hereinafter **BC**), whose ties extend to local, county, and national government interests, as well as serving on behalf of President George W. Bush and the Bush/Cheney Election effort. Various cases and affidavits include evidence of the ongoing pattern involving Judge Grubbs ex parte and land related efforts.

Those who would claim to be members of the Plaintiff, (***LMHA***) a **dissolved corporation**, and subsequently a 2nd Plaintiff made up of 2 parties (the ***ACC of LMTHA***), were entities created and solely owned by Petitioner (the Rices), **following** the pursuance of litigation, asserting an alleged ***injunctive suit*** to enforce covenants and restrictions by **LMTA, Inc.** upon an UNENCUMBERED DEED, in order to create **predatory case precedence, superseding law, and converting all private land interests to attorney controlled corporations, circumventing federal and constitutional rights**.

Judge Flournoy ordered **BC** to find a proper party Plaintiff based on ***LMHA, Inc*** 's dissolved status, as well as the Rices lack of contractual relationship, involvement, or association with ***LMHA*** and/or ***LMTA***. Resultantly, Flournoy then ordered BC to **substitute** a proper party Plaintiff, or he would dismiss the action. Yet despite objections and quite notably, a subsequent financial gain by Petitioners representative counsel Bobby Dyer, Judge Flournoy nor Grubbs, EVER ruled on this matter or a ***Motion to Dismiss***, still outstanding to date, regarding this and a plethora of related facts contained in evidence of the case. And despite repeated demands for these facts to be directly and repeatedly addressed, Dyer the husband of a judge,

refused to further tendered and proper defenses citing limited time and a busy schedule. Subsequently, the Rices would learn Bobby Dyer obtained GA Department of Transportation (DOT) representation contract precluding private representation, as senior partner and former Senator Chuck Clay's (of **BC**) transportation committee, provided numerous contract awards. Thus **BC** were not required to "substitute" a Plaintiff in keeping with Flournoy's mandate, but instead **BC** was subsequently able to **add** a 2nd party derived of a 2 part Plaintiff, that did NOT EXIST until the Rices created BOTH, without the still pending ***Motion to Dismiss***, being adjudicated prior to Judge Flournoy's subsequent retirement.

Objections to parties were repeatedly ignored, or met with threats of incarceration by the newly assigned Judge Grubbs, who NEVER disclosed her personal or pecuniary ties to **BC**.[3] However, Judge Grubbs' upon publishing her 2003 '***Order***' in **BC**'s favor on behalf of a dissolved corporation and Petitioner/Defendant's corporate interest **LMTHA**, Grubbs would receive from the Chamber of Commerce, where the ex parte conversation originally transpired as conveyed by DA Head, a '***Citizen of the Year***' Award, awarded by none other than a **BC** lawyer and political candidate. Grubbs also received the "Benham Award", FOLLOWING the filing of the aforementioned, fraudulent complaint, identifying the Rices as a corporation, NOT natural citizens with constitutional rights intact.

Additionally, Grubbs in violation of law awarded currently over $50,000 attorney fees against Defendant/Petitioner in an **injunctive relief matter** for billing records submitted by Attorney Calhoun of **BC**, fraudulently created on behalf of ***LMTHA***, the Rices corporation created AFTER the addition of the 2 part 2nd Plaintiffs. Judge Grubbs aided **BC's** fraud in opposition to

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[1] **Twining v. New Jersey**, 211 U.S. 78, 29 S. Ct. 14, 24, (1908), **Old Wayne Mut. Life Assoc. v. McDonough**, 204 U.S 8, 27 S. Ct. 236 (1907)

law, fact, and/or evidence.[4] Presenting corporate verification of ***LMTHA*** in court, falsified documents, and even testimony specifically prior entered into the case record, were met by Judge Grubbs with a threat of incarceration, as a result of due process rights asserted.[5]

The aforementioned Case **02-1-04560-42** was fully appealed to include a ***MTDOV*** documenting the ***'void ab initio'*** nature of Judge Grubbs ruling in that matter, following the filing of the subject ***Writ*** contained herein.[6] As a result of the aforementioned ***MTDOV***, both ***Appeal Motions*** and the subject ***Writ***, were immediately dismissed without disclosing Judge assignments, proper adjudication, or affording due process to Defendant/Petitioner, in addition to a VOID and illegal call for incarceration by Judge Grubbs, acting on behalf of **BC** and her own willful violations of law, made known to both the **Department of Justice (DOJ)** and **Atlanta US Attorney**'s Office repeatedly.

The dismissal of the subject ***Writ***, cited ONLY issues contained in the separate ***MTDOV***, NOT facts involving the subject ***Writ*** by an unassigned Judge Arthur Fudger. Judge Fudger at the time of his '***Order***' dismissing the ***Writ***, had not been assigned to the case. However, Fudger allegedly published an '***Order***' dated July 5th, which was entered into the record **July 7th**, just prior to a glut of Judge Grubbs rulings, fraudulent documents, suppressed filings, and efforts to incarcerate the Rices The ***Writ*** ruling additionally and illegally assessed attorney fees to the **GA AG**, without any verifiable, visible, bona fide, or prior assignment of Fudger in the record at that time. There was NO hearing (See footnote

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[4] **Rogers v. State of Alabama**, 192 U.S. 226, 230 (1904) "It is a necessary and well settled rule that the exercise of jurisdiction by this court to protect constitutional rights cannot be declined when it is plain that the fair result of a decision is to deny the rights."

[5] Guarantees provided by the **V** and **XIV Amendments** to The **CONSTITUTION of the UNITED STATES of AMERICA**

[6] **Vallely v. Northern Fire and Marine Ins. Co.**, 254 U.S. 348, 41 S. Ct. 116 (1920); **Williamson v. Berry**, 8 How. 495, 540, 12 L. Ed. 1170, 1189, (1850); **Rose v. Himely**, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808)

4 below), or any semblance of a lawful review of the ***Writ*** matter by Judge Fudger or any party. In fact, the **GA AG** concurrently with the fraudulent ruling by Judge Fudger on July 7th, 2005, sent a letter threatening incarceration of the Rices, if legal fees were not paid to the **GA AG**, based upon the criminal acts of Judge Fudger predicated upon denying due process and obliterating the 'rule of law.'[7] As Judge Grubbs counsel (the **GA AG**), and the highest legal authority in the state, to subvert, deny, and derail the Rice's due process rights were precluded by the Hobbs Act and RICO statutes, which the chief legal officer of GA, reasonably should have known. Judge Grubbs acknowledged her lack of jurisdiction to take action, as a result of the subject and pending ***Writ of Prohibition*** on June 28th, 2005, but by the following week, the concerted efforts of Judge Fudger, the **GA AG**, and her fellow members of the **State Judiciary of GA**, were working in concert with Judge Grubbs to negate any hope of due process. As a direct result of these racketeering and conspiratorial efforts, Judge Grubbs immediately (July 7th), dismissed EVERY action pending before the court by the Rices, though the subject ***Writ*** ('ink was not even dry!'), was able to be appealed and not even served upon the Rices at the time EVERY pending action was dismissed. This tactic and concerted effort was akin to that previously used by the **GA AG**, in which a federal action filed by the Rices was dismissed, as a result of the **AG's** refusal to serve their filings in keeping with filed Certificates of Service Documents, condoned and upheld by US District Court Judge Beverly Martin.

Judge Martin in violation of law would support 'fraud upon the cour't imposed by Judge Pamela South and Judge Tom Davis, who allowed illegal acts involving both involuntary servitude and interference with commerce, precluded by case precedence, statutory law, federal law, and constitutional mandates, to be carried out against the Rices.

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[7] Potenz Corp. v. Petrozzini, 170 Ill App 3d 617, 525 N.E. 2d 173, 175 (1988)

in order to protect fellow 'brothers,' Grubbs and Calhoun.[8] Calhoun using Judge Grubbs 'void ab initio Orders' would assert garnishments and bank account seizures, using differing Plaintiff names, even to an employer, with whom Mrs. Rice is and has NEVER been employed.[9]

FEDERAL QUESTIONS AS IDENTIFIED

1) The Petition for a ***Writ of Prohibition*** was tendered against Respondent due to her intentional and willful and repetitive denial of due process. Her escalating bias, conspiracy, repetitive lack of jurisdiction, violations of law, racketeering, and even treasonous behavior as defined by the US Supreme Court mandated, the challenge of such lawlessness. As the Trial Court furthered the lack of jurisdiction by allowing a judge never assigned to dismiss the action, clearly the Prohibition was warranted. But even more telling was the backdated assignment of jurisdiction to Judge Arthur Fudger, void ab initio claiming a fraudulent ***Motion to Recuse Judge Lark Ingram***, could possibly yield any lawful jurisdiction was no less than willful anarchy. As cited in ***People v. Lambert***, a judge's "failure to enforce the law invites anarchy."

2) Respondent undeniably engaged in improper *ex parte* communications with those claiming to be members and/or legal counsel of the Plaintiff organization(s) in CAN 02-1-04560-42, (269 Ga. App. 351) improperly reported by Lexis Nexis and Westlaw, wherein Petitioners were falsely named as Defendant corporations, despite the dissolved status of the Plaintiff organization, lack of contractual relationship, status as natural people with God given rights, and filed property interests, before Judge Grubbs and fully documented in the case file. This *ex parte* communication

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[8] **Title 18**, Part I, Chapter 96, USC § 1962 Prohibited Activities

[9] Violations precluded by **1st Amendment** to the **US Constitution**

violated several provisions of the GA Code of Judicial Conduct, which mandate self-recusal at a minimum.[10] Finally, the *ex parte* communication occurred several months before trial and constituted an illegal public comment, as the communication took place at a Cobb County Chamber of Commerce meeting, never disclosed by Judge Grubbs. Subsequently, it was revealed Respondent also discussed the case in the locker room of the Marietta Country Club, constituting another illegal public comment, which demonstrated bias and prejudice at a minimum. Following Grubbs' ex parte communications with Chamber members to include opposing counsel BC, a subsequent ruling was issued by Grubbs on behalf of a dissolved corporation and 2 entities created by the Rices following the filing of the lawsuit, refusing the Rices corporate interest created following filed litigation, yet affording the illegal 'theft by deception,' 'theft by conversion,' Hobbs Act, and federal RICO violations by **BC**.[11] This legal impossibility afforded kudos for Judge Grubbs, provided by none other than **BC**. Such quid pro quo efforts created a willful, conspiratorial, and racketeering based effort to afford the theft of property via fraudulent and predatory case precedence defying the rule of law, state, federal, and constitutional provisions, which Judge Fudger sought to mask. Any BAR Member had to be aware NO legal measure to include uniform commercial code or the laws of admiralty, would afford Judge Grubbs the ability to: (1) rule in favor of a dissolved corporation; (2) apply a contract to which the parties were not involved; (3) negate property rights of the Defendant in violation of federal law; (4) award the corporate rights of the Defendant to opposing counsel; (5) refuse to recuse based on both pecuniary and quid pro quo relationships with **BC**; (6) allow property rights to be conveyed or stolen in opposition to evidence, deeds, or filings; and (7) conspiratorial knowledge and participation

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[11] Title 18, USC 1951

via ***ex parte*** communications as part of a concerted agenda to negate the 'rule of law' regarding CONSTITUTIONAL PROPERTY RIGHTS to benefit members of the (GA) BAR, (Judge Grubbs holds a position on the Board of Governors) via a lawyers Political Action Committee (PAC) Community Associates Institute (CAI), could NOT stand as a matter of law. Yet Judge Fudger attempted to protect the illegal creation of unconstitutional case precedence, sanctioning land theft, and protecting willful racketeering efforts by those claiming to represent government, yet acting in direct opposition to EVERY government tenet. Legally, morally, and ethically, such actions could not be lawfully upheld, even if jurisdiction had been lawfully afforded Fudger, which on the face of the backdated assignment, it was not.

3) No hearing or review was scheduled or completed prior to Judge Grubbs public statement and determination, that filed actions not yet heard were "frivolous." Her statements in tendered pleadings, though no rulings, hearings, or review, had been rendered in the matter, solidify her personal bias and prejudice. Yet a case with no common party or issue assigned to fellow Judge James Bodiford was transferred to Judge Grubbs with recusals, the subject ***Writ***, as well as a federal action, pending against Judge Grubbs. The public and written declaration of "frivolous" made PRIOR to Respondent's review, lawful jurisdiction, or reading of ANY motions on the merits of the case, much less the convening of any hearing in the matter was afforded by fellow BAR Members aware of her actions, to include Judge Arthur Fudger. The case in question is CAN 04-1-00020-33 (283 Ga. App. 438).

4) Petitioners were forced to file the case at bar, following filing in the **Trial Court**, an appeal to the **GA Supreme Court**, along with a ***Motion for Reconsideration***, because their federally protected due process and equal protection rights were repeatedly violated by Respondent and

her contemporaries. In fact, Respondent scheduled hearings and ordered incarceration of Petitioners, following calls for federal review of Respondent/Petitioner, made to the **Cobb County Superior Court**, the **GA AG**, the **Atlanta US Attorney and the DOJ, currently before the 110th Congress**.

In the subject ***Writ***, initially filed in Cobb Superior, a judge from outside the circuit MUST be assigned in writing, to adjudicate cases wherein a judge of that circuit is a party to a lawsuit (Judicial Qualifications Commission [hereinafter **JQC**] 220), as is the case herein. Petitioners assertion of **JQC 220**, to Judge Kreeger (a close and personal friend to Judge Grubbs), properly ordered a judge from outside the Cobb Judicial Circuit be assigned to this case (see **May 26, 2005 *Order*** in Appendix). Quite notably, Judge Kreeger did NOT voluntarily recuse himself from the matter, based upon his self recusing mandate and personal relationship. At the time, Petitioners were NOT aware Judge Kreeger was a personal friend of Respondent, and had been personally honored to even officiate Grubbs latest wedding. But this repetitive pattern or ability to "judge shop," would become undeniable. However, despite the ***Order*** of May 26th by Judge Kreeger, no assignment in accordance with **JQC 220** was made or published, filed in the case at bar, or served upon Petitioners. Thus, the Petitioners/Rices recognized Judge Kreeger to have been the ONLY judge with lawful jurisdiction albeit inappropriate. As such NO lawful act occurred following Kreeger's ***Order***, if in fact Kreeger could have been allowed to review or act in a matter involving a close and personal friend, who was a fellow member of the bench.

ARGUMENT

The initiating factor and major issue regarding Judge Grubbs' behavior are and were the focus of the subject ***Writ***. Specifically, her ***ex parte*** communications with members of

the alleged Plaintiff, followed by prejudicial/public comments about matters not yet adjudicated, repeated bias/prejudice, willful efforts to deny due process, ongoing pattern of violating due process rights, and more than 10 impeachable offenses, including a refusal to rule on motions or pleadings tendered, create the basis for her lack of jurisdiction, subsequent void orders, and negate her ability to assert fraudulent ***Bills of Attainder*** against those, who have lawfully asserted their Constitutional, due process, and equal protection rights under the law. Yet despite all pleadings, cases or lawful assertions, no ***Order*** EVER addressed or reflected the subject issues. Instead BAR members and judges literally engaged in racketeering and conspiracy to deny justice and suppress any lawful adjudication of the subject ***Writ,*** and/or underlying or as well as resultant filings. Notably however Judge Grubbs, at no time, denied the allegations of ***ex parte*** communications, biased and prejudice behavior, or any assertion contained in the subject ***Writ,*** creating the **requirement for a default judgment**. Demonstrating the willful and purposeful effort as aforementioned, the specific ***Orders*** will be addressed.

A. JUDGE KREEGER'S ASSIGNMENT ORDER

In Judge George Kreeger's May 26th ***Order***, he acknowledges the need for a judge outside the circuit to be assigned in paragraph (¶) 3, substantiating the pecuniary and common interest the Cobb Bench shared, subsequently requesting the District Court Administrator to assign a judge outside the circuit. However NO ***Order*** appears in the record following Judge Kreeger's ***Order***, until AFTER a dismissal ***Order*** by Judge Arthur Fudger, a senior retired judge, frequently interjected in Cobb County cases of questionable and lawless circumstances.

B. JUDGE FUDGER'S UNLAWFUL ORDER

On July 5th, 2005, Judge Arthur Fudger allegedly pens an ***Order*** without any prior assignment, as evidenced by the certified docket sheet for the case. The dismissal appears in the court record on July 7th, though Fudger was NEVER lawfully assigned, and no prior assignment notification was provided the Rices or even filed in the ***Writ*** Matter (05-1-0437-18). Instead Judge Fudger will author a VOID "***Order***," with absolutely no basis in fact regarding key and repetitive assertions, having held NO hearing or ever being lawfully assigned to any matter associated with the action.

In Judge Fudger's ***Order*** ¶1, he acknowledges a ***Motion for Sanctions*** by the **GA AG** demanding fees and incarceration against Petitioner/Rices for filing action and pursuing due process protections. Judge Fudger further acknowledges the requirement for the District Court Administrator to assign a judge outside the circuit, and notes he was assigned on June 13, 2005. This is key and contradicted by the backdated document Kreeger will consequently provide, (See ***Order of Appointment of Judge*** by Judge Jon Bolling Wood, identified as May stricken through and replaced by June 3rd of 2005, a document of which 3 versions will be generated based on the filings of and disclosure by Petitioners/the Rices).

In ¶ 2 Judge Fudger explains the extraordinary nature of the ***Writ*** requested, denying the Petitioners access to due process and right to a jury trial. Judge Fudger denied the Rices' inviolable right to a jury trial. Taken together, **O.C.G.A. §§ 9-6-27, 9-6-40, & 9-11-38** and **Art. I, § I, ¶¶ XI and XII** mandate the Rices must be afforded a jury trial. Furthermore, it is the usual and customary practice in the Cobb County Superior Court to convene a hearing on any motion, whenever it is requested in writing by a party, as did the Rices. But in ¶3, Judge Fudger makes erroneous statements involving other cases not included in the subject ***Writ*** as filed, which he attempts to 'inextricably intertwine'.

The issue of ex parte communications, lack of jurisdiction resulting, refusal of multiple recusals, lack of notice regarding judicial assignment, overwhelming bias/prejudice, break down of mandated access to the court, denial of due process, pending federal action, 10 impeachable offenses regarding refusals to rule within 90 days, continued lawless acts to include threat of incarceration, transfer of Cannon Case to a judge with precluded filings, and violations of law by the **GA AG**, the basis of the ***Writ*** are NEVER mentioned much less addressed in Judge Fudger's ***Order***, though the lack of jurisdiction and ex parte communications are clearly delineated in the subject ***Writ***.

In ¶ 3, Fudger erroneously states the Rices are not entitled to a ***Writ of Prohibition,*** because they did not request a rehearing in the Georgia Court of Appeals or seek Certiorari in the Georgia Supreme Court. His statement as evidenced by the record is clearly false, as both actions were, in fact, asserted. The Rices were denied reconsideration by the Court of Appeals, Certiorari by the Georgia Supreme Court, and reconsideration by the Georgia Supreme Court, leaving them no other remedy at law.

Instead Fudger erroneously states the goal of the ***Writ*** to be, "Plaintiffs are attempting to re-litigate the exact same case Defendant heard in Cobb Superior Court, Case No. 02-1-04560-42." In the ***Writ*** to which Fudger was never lawfully assigned, there is no mention of the dissolved corporation (**LMHA**), the lack of covenants on the Rice's deed, and the inability to provide any evidence linking the Rices to Plaintiff **LMHA** or any corporation associated with their property at the time of filing the initial 2000 action or the renewal complaint of June 7, 2002, following **BC**'s voluntary dismissal "to avoid corporate legal issues". Moreover, there is no mention in the ***Writ*** of the Rice's corporate interests in and creation of the Plaintiff ACC and/or **LMTHA**. Yet Fudger erroneously replicates an unfounded argument 1st asserted by Attorney Richard Calhoun of **BC**, that the Rices were attempting to "re-litigate" another case.

without ANY evidence in support found in the record. To read Fudger's false assertion that the Rices are attempting to "re-litigate the EXACT SAME CASE DEFENDANT," in a ***Petition for Writ of Prohibition Against Judge Adele Grubbs***, not a party to "Case No. 02-1-04560-42" as he specifically notes, is unfathomable, inaccurate, and unreasonable at best!

Judge Fudger then continues his fraudulent rampage by wrongly asserting Judge Eldridge and the Appeals Court panel upheld Judge Grubbs decision, falsely asserting covenants "ran with the land and bad faith by the Plaintiffs warranted an award of attorney's fees." On the face of the Rice's deed (see Appendix), the Petitioner/Rices did NOT have covenants which are NOT on their warranty deed or chain of title, and as such could NOT "run with the land," an argument prevailed upon before Judge Flournoy, prior to Judge Grubbs assignment. Additionally, Judge Eldridge did NOT uphold Judge Grubbs ruling in favor of **LMHA** and the **ACC of *LMTHA***, but instead ruled in favor of **LMHA** and the **ACC of *LMHA***, following Attorney Calhoun's brief on behalf of **LMHA** and the **ACC of *LMTA*** on appeal. This ongoing and repetitive alteration of the Plaintiff asserted on appeal by both Judge Eldridge and Attorney Calhoun is clearly fraudulent, conspiratorial, and in violation of law as well as the rules of the court, willfully misrepresented in Fudger's ***Order***, demonstrating he NOT the Petitioner is 're-litigating' the ***LMHA and the ACC of LMTHA*** Case, so willfully and repetitively mischaracterized. But most important for the purposes of this High Court's review is, Judge Fudger is the party, who raised the ***LMHA and the ACC of LMTHA*** Case in a published decision in a ***Writ of Prohibition Against Judge Grubbs***, which did not address with specificity the details of the ***LMHA and the ACC of LMTHA v. Rice et al*** case.

Further, Fudger states an issue of bad faith found by Judge Eldridge in the **LMHA** Case. Again Judge Grubbs in her 2003 ***LMHA and the ACC of LMTHA Order*** considered

bad faith, but found Petitioner/Rices did NOT act in bad faith without any involvement or covenants on their property. However in violation of state, federal, and constitutional law, Judge Grubbs assigned, mandated, and created a contractual relationship which she via a fraudulent ***Order*** sought to impose upon the Rices property on behalf a dissolved corporation **(LMHA)** and 2 entities created by the Rices AFTER the filing of the subject suit **(ACC of LMTHA)**. Thus, again Eldridge (GA Court of Appeals) changed, altered, and expanded Grubbs ***Order*** on appeal, in violation of law and the rules of the court, NOT mentioned or addressed in the subject ***Writ***, except to be misstated by Judge Fudger in his ***Order.*** Eldridge could NOT find bad faith when the appealed Grubbs ***Order*** did NOT. Moreover, Eldridge could NOT LEGALLY change the name of the Plaintiff on appeal, and/or LAWFULLY claim any "run with the land," theory in opposition to the Rice's deed or the previous owner. Yet Eldridge's void ruling (like Grubbs), attempted to defy law and any legal standard, just prior to his retirement (like Judge Flournoy), and replacement on the Court of Appeals Bench by a former co-worker and personal friend, former Cobb Assistant DA Debra Halpern Bernes. Senior partner Chuck Clay, Attorney Calhoun, and Judge Grubbs, had worked directly with Bernes during their mutual tenure as Cobb County Employees. With Eldridge's retirement, Cobb County obtained and possessed 4 seats on the Court of Appeals (1/3 of that court), frequently and conveniently assigned to appeals filed by Petitioner/the Rices, much like the automatic assignment of Judge Pamela South in Gwinnett, and Judge Beverly Martin of the US District Court.

Fudger continues by noting a federal suit based upon 42 U.S.C. 1983, in which the GA AG refused to even serve Petitioner, despite filing documents attesting to the contrary. And as Fudger indicates Judge Beverly Martin denied jurisdiction, despite authoring a lengthy dismissal predicted by Judge Grubbs, the GA AG, and Judge Fudger. When

Attorney Calhoun files a garnishment against Mr. Rice in the name of a different plaintiff NOT prevailed upon by even Judge Grubbs fraudulent ***Order***, **(LMTA)**, magically Judge Martin obtains the case, which she remanded back to Gwinnett Court Judge Pamela South, without regard to the overt 'fraud upon the court.' South has already allowed Calhoun not only to file fraudulent garnishments 3 times, but to use multiple Plaintiffs, which in keeping with Calhoun's modus operandi, she changed on ***Orders*** with regard to parties, akin to party hats, without wanton disregard for ANY 'rule of law.'

The facts were clear in terms of evidence, but the fraud carried out by connected GA BAR members is indisputable. In the subject ***Writ***, there was NO mention of a fence, allegedly the subject of 02-1-4560-42, until Judge Fudger attempting to erroneously mischaracterize an action NOT before him, in a matter he was NEVER properly assigned to, authored false information unrelated to the subject ***Writ***, he sought to ILLEGALLY claim jurisdiction on behalf of.

Notably however, it was as a result of concerted efforts by GA BAR Members and CAI Interests, that mandated costly alterations to the Rice's home. As testified in the aforementioned case, the Rices were literally **forced** to erect an 8 feet vinyl fence to protect their children and property against the assault mounted by BC or their clients, which included video taping, burglary, and ongoing damage. The county attested and provided sworn affidavits, which Judge Grubbs and Eldridge had in evidence before them, but willfully ruled in opposition to. The ONLY party that measured the fence EVER, was Cobb County Director of Community Development, Rob Hosack, who along with staff determined no panel to be more than 8 feet via sworn testimony and affidavit, noting the Rices complied with county code but their neighbors had not, creating a lack of equal protection under the law.

The **LMHA** Case according to billing records on behalf of **LMTHA** (the Rices' Corporation), began with the illegal sale of land owned by the Rices to the Honorary Consulate of the Netherlands, Mr. Erik Vonk. A file was then created according to billing records, based upon their complaint with regard to this theft by taking, conversion, and fraudulent concealment, culminating in 'fraud upon the court'. Subsequently, Calhoun filed multiple actions against the Rices in 4 counties for asserting their federally protected rights to property and due process, always aided and abetted by Judge Grubbs and fellow GA BAR Association Members, repeatedly including Judge Shepherd Howell the "District Court Administrator," assigned by Kreeger, Judge Jon Bolling Wood, Judge Carey Nelson, Judge David Smith, Judge Arthur Fudger, Judge Mary Staley, Judge Kenneth Nix, Judge Michael Stoddard, Judge Pamela South, Judge Tom Davis, Judge Beverly Martin, Judge Jerry Baxter, the GA Court of Appeals, and the GA Supreme Court, as well as associated Clerks and employees of the court.

Thus, it is NOT the Rices in the pending ***Writ*** who chose to "re-litigate" or "judge shop," as without question, the ***Writ*** contained NO comment or mention of a fence and addressed solely Judge Grubbs behavior. ONLY Judge Fudger chose to erroneously and fraudulently re-write a prior case in opposition to fact or even fraudulent Orders, rendered in conflict of one another. Fudger alone attempted to assert jurisdiction where he had none. An action filed against Judge Grubbs, did not and could not, include Plaintiffs LMHA, LMTHA, LMTA, an ACC, or any other party as clearly found on the face or content of the filed action!

Judge Fudger closes his inappropriate ramblings on his "***Order***," by punishing Petitioner for attempts to obtain due process, using statements so contrary to fact, as to call into question a quid pro quo result or question of personal mental competency. To add insult to injury, Judge Fudger in violation of law and standing case precedence, orders the Rices to pay the **GA AG** for attorney fees they subjectively

would have made, HAD members of the AG been in private practice. (In his request for attorneys' fees, the AG admitted he wanted the fees imposed to "punish" the Rices for defending other suits). Fudger based his award of attorneys' fees on multiple lawsuits, over which he had not presided. **GA AG** Employee **Rebecca Mick**, threatened the Rices with incarceration, if they did not pay these imaginary but perceived attorney fees. Such illegal behavior and mandates are beyond imagination and create a mockery of the judiciary, if not specifically noted in the VOID "***Order***," yet Judge Arthur Fudger violating his judicial canons and every 'rule of law,' did so via the filed '***Order***' of July 5th, 2005.

C. APPOINTMENT OF JUDGE BACKDATED

The Rices/Petitioner shocked by the criminal acts of both Judge Fudger and the GA AG, filed a ***MTDOV***, relating to Fudger's July 5th, 2005 ***Order***, tendered to Judge George Kreeger, the ONLY judge with jurisdiction, publicly assigned to the ***Writ*** matter, despite his personal relationship unbeknownst at the time to the Rices. And immediately following Fudger's void effort, Judge Grubbs dismissed the ***MTDOV***, Cannon Case, ordered the arrest and incarceration of the Rices (which would have amounted to an unconstitutional imprisonment for an alleged debt), and dismissed all pending matters involving the Rices. Additionally, Case 00-1-9027-28 filed by Attorney Calhoun but on stay due to the Rices counsel having been recalled to active duty, was reinstated by Judge Mary Staley, though the Rices Counsel was STILL on active duty. According to the law firm of Senator John Wiles (Replaced Senator Chuck Clay in the GA Senate - Wiles & Wiles), the Rice's attorney was dismissed without any comment, discussion, or disclosure to the Rices prior, as per filed documents in the court record. Yet Senator Wiles stated in public, he could NOT speak with Mrs. Rice regarding crimes of fraud, fraudulent concealment, and 'fraud upon the court', because

she had representative counsel, which his firm had just had dismissed or negated weeks prior informing Judge Staley to the contrary, via his employee Diane Busch, named as a part time judge, akin to the Fred Tokars model!

The Rices filed a ***MTDOV***, regarding the VOID effort by Judge Fudger, scheduling a hearing for 8/11/05. With witnesses present, Judge Kreeger refused to hear the scheduled matter. Instead Kreeger silenced Mrs. Rice, and threw a document at her titled, "ORDER OF APPOINTMENT OF JUDGE" (hereinafter **OFAOJ**), dated June 3rd, 2005, with a strike through May seemingly by Judge Jon Bolling Wood. Judge Kreeger upon objection and notification of non existence in the subject case file, admonished Mrs. Rice, and demanded she leave the courtroom.

The Rices along with their witnesses proceeded to the Clerk's Record Office. In the presence of witnesses, the Rices obtained a docket sheet verifying NO ORDER ASSIGNING A JUDGE in Case 05-1-0437-18. As a result, Mrs. Rice asked **Ms. Lisa Thrash**, where she might find this document, Judge Kreeger provided? Thrash looked at the document, pointing to the number in the upper left of page 1 stated, 'It's in the secret judge's file!' Witnesses along with the Rices were shocked by such a disclosure unknown to the public, now internationally documented. Upon request, Mrs. Rice purchased certified copies of the "secret judge's file," revealing countless cases and pleadings suppressed from public view, denying the due process rights of parties contained therein. The Rices and witnesses took up the matter with **Clerk Jay Stephenson** and requested the attendance of **DA Head**. Neither public official was willing to address the willful fraud, and shockingly requested the Sheriff to appear, to intimidate those present. Sworn affidavits attesting to the crimes witnessed, were filed in this subject ***Writ*** case file, 05-1-0437-18.

D. KREEGER'S VERSION OFAOJ

When Judge Kreeger handed Mrs. Rice a version of the **OFAOJ**, it contained a fax footer, with stray marks above the fax notation, filed specification noting June 13, 2005 on the top right, and a notation on the top left of 05-1-0002. This document was never submitted or contained in the case file 05-1-0437-18, but instead allegedly entered in a "secret judge's file" 05-1-0002, never provided the Rice's prior. Mr. Rice noted in the presence of Clerk Jay Stephenson, the fax footer indicated the document had in fact been transmitted if not created on August 10th, 2005, the day prior to the hearing before Judge Kreeger. The fax number from which the document originated was the District Court Administrator Clerk, Jody Overcash. But this document was NEVER provided the Rices prior, nor filed in the subject case file 05-1-0437-18. The actions of Overcash, Clerk Stephenson, Judge Kreeger, and Deputy Clerk Fox constitute infractions of federal wire fraud statutes, pursuant to **18 USC § 1343,** among other federal violations of law.

Upon leaving Judge Kreeger's Courtroom, the Rices requested to see in the case file the ***Order*** provided by Judge Kreeger, which he stated erroneously as fact, was filed in Case 05-1-0437-18. As a result, Mrs. Thrash provides a similar but NOT same version of the document from the "secret judge's file," without the fax notation on Kreeger's copy.

E. "SECRET JUDGE'S FILE" VERSION OFAOJ

The Petitioner/Rices pay for certified copies of the "secret judge's file" contents. The copy provided them from case 05-1-0002 contains the case number in the left with a date stamp "Filed in Office," the same as Kreegers. But notably, there is NO fax footer, no stray marks on the bottom left or right, and NO certification at the bottom, like the copy provided by Kreeger. Additionally, this copy is a different

font than that of Kreeger. Moreover, there is a larger top and bottom margin on this copy, than that of Kreeger's document with no stray mark on page 2 also in keeping with the first copy.

F. CLERK STEVE FOX VERSION OFAOJ

Upon requesting a copy from the "secret judge's file" to be certified, in order to demonstrate the difference between these 2 documents, Ms. Thrash summoned her superior Mr. Steve Fox. Both attended the meeting with Clerk Jay Stephenson, in which the staff refused to acknowledge or document the fraud witnessed, but instead contacted the Sheriff to escort witnesses out of Stephenson's Office.

Noticeably, the font on the Fox copy is the same as Kreeger's but unlike the copy taken from the "secret judge's file." Additionally, the Fox copy certifies the case file the document was taken from was NOT 05-1-0437-18, but instead 05-1-0002 on August 11th of 2005. A stray mark appears only in the right bottom corner as you view the document. This is NOT like the Kreeger version. Kreeger's version clearly contains a horizontal line under the second sentence on page 1, as well as a horizontal line on the 2nd page under the "Seventh Judicial District" designation in the signature portion of the document, above the "cc." notation.

G. SEVENTH DISTRICT VERSION OFAOJ

As a result of the multiple copies and obvious fraud, Mrs. Rice visited the Seventh Judicial District Court Office, where she met Ms. Jody Overcash. Mrs. Rice requested to view the original and purchase a copy of the assignment of Judge Arthur Fudger by Judge Wood. Ms. Overcash produced a notebook and made a copy. Mrs. Rice inquired, if the document copied was an original, to which Ms. Overcash confirmed that fact and assured authenticity. As a result,

Mrs. Rice requested a copy. The copy was identical to Judge Kreeger's, containing the fax footer and stray marks.

As a result of the fax footer, which allegedly originated in Ms. Overcash Office as acknowledged by her, Mrs. Rice inquired how an original document could contain a fax footer notation from the location of origination. Ms. Overcash refused to answer the obvious question, and informed Mrs. Rice she would have to speak with her attorney, who Ms. Overcash refused to disclose.

Without question, Judge Arthur Fudger was not LAWFULLY or PUBLICLY assigned to the ***Writ*** or any other matter, but the various versions of his falsified assignment in any version, creates the highest and best evidence of his lack of jurisdiction, 'fraud upon the court', theft by deception, fraudulent concealment, wire fraud, and mail fraud, aided and abetted by various members of the State Judiciary of GA, the GA AG, fellow BAR Members, and Judge Grubbs herself.

H. ALL VERSIONS OF OFAOJ

On all versions of the **OFAOJ**, it is undeniably noted that Judge Fudger was "hereby assigned to serve as a Superior Court Judge in the Cobb Judicial Circuit, in Cobb Superior Court, to hear and preside over the **Motion to Recuse Judge Ingram** in the case of J. Andrew Rice and Kathryn W. Rice v. Judge Adele L. Grubbs, Civil Action Number 05-1-0437-18". Assistant AG Brumbaugh, who participated in oral argument before the GA Supreme Court, admitted in open court the assignment of Judge Fudger was in error. However, despite this admission, the Supreme Court's Order was silent on the assignment of Fudger.

Without question there was NEVER any ***Motion to Recuse Judge Ingram*** in the subject ***Writ*** matter, as Judge Ingram has never participated in any case involving the Rices. Therefore, Judge Fudger was fraudulently assigned to an issue, which was NEVER asserted, contended, or a matter

before the Court. Therefore, Fudger could NOT possess subject matter or in personam jurisdiction in any lawful matter. The GA Supreme Court like the Court of Appeals having been made aware of this indisputable fact, chose to ignore willful crimes, negating the mandates of the court. The GA Supreme Court even attempted to afford Fudger jurisdiction via a remand regarding attorney fees awarded without a trial, KNOWING FUDGER NEVER HAD OR COULD BE AFFORDED JURISDICTION!

Moreover the GA Supreme Court having been made aware of overt and undeniable fraud states, "Having reviewed the record before us, we find that the trial court did not err in denying the writ of prohibition," taking issue only with attorney fees assessed without a hearing, mandating the case back to Fudger, who NEVER possessed LAWFUL jurisdiction, while willfully engaging in 'fraud upon the court'. The Oral Argument and pleadings outlining XIV Amendment violations, and well as I, IV, and V Amendment violations, were literally ignored and obliterated by the highest GA Court, in direct contradiction to the evidence and prevailing law, despite judicial notice, federal law required under the Full Faith and Credit provision, in addition to sworn oaths of office to uphold Constitutional mandates.

As in every case whether 02-1-04560-42, 04-1-00020-33, and 00-1-9027-28, as well as all other filings, the Rices in opposition to the writings of Judge Fudger, filed appeals in the Court of Appeals, GA Supreme Court, and Motions for Reconsideration time and again, only to be ignored or negated, in which judges frequently cited actions from other cases NOT contained in the matter before them.

SUMMARY AND CONCLUSION

The subject ***Writ*** could NOT have been dismissed by Judge Fudger, who NEVER possessed nor was assigned jurisdiction over this case. Judge Fudger additionally engaged in ex parte conversations or research at a minimum,

in order to be able to quote Attorney Calhoun's false assertions in other cases NOT supported by the evidence of the case noted. Fudger, not the Petitioner, chose to present other case considerations in his fraudulent '***Order,***' in order to deny any lawful review of the racketeering effort being carried out by related BAR Members. This repetitive pattern demonstrated bias and prejudice, even had he been lawfully assigned to the matter, which he unequivocally was NOT. Such willful disregard for ALL legal standards, would negate any assertion of jurisdiction or standing at bar. Without question, Judge Fudger's assignment was created after his fraudulent and void dismissal of the pending ***Writ***. Petitioner raised the issue of his unlawful assignment or notice of same, and ONLY then was any version of an assignment asserted.

The GA Courts effort to support and further 'fraud upon the court', served to defraud the Rices by condoning the creation of multiple versions of a document that ONLY assigned Judge Fudger to an imaginary pleading, which could NOT create LAWFUL jurisdiction or standing, unequivocally and repeatedly made known to the GA Supreme Court through pleadings and oral argument. As Americans across this country have laid witness via writings and video, the State Judiciary of GA, undeniably chose in the face of obvious evidence to deny the 'rule of law,' and afford no less than 'fraud upon the court,' in violation of Title 18, which no GA Authority with standing and a sworn oath, was willing to enforce.

Such wanton disregard for the 'rule of law,' in order to protect the corporate interests of the State Judiciary of GA Corporation headed by Justice Leah Sears, seeking to protect the malfeasance and lack of fiduciary responsibility of officers, has forced the GA Courts to become known for no less than crimes, conspiracy, and racketeering, as barred by 42 U.S.C. § 1983, 1985, and 1986. Such facts have been evidenced by multiple appeals currently tendered before this Court by a number of Georgians, serving to reinforce the dire state of the judiciary in GA and our nation.

Since the filing of the subject ***Writ of Prohibition*** and associated larceny as well as embezzlement by the aforementioned working in concert, Judge Grubbs has wrongfully incarcerated many, including the call for Petitioners incarceration which is currently before the GA Supreme Court, an issue called for while the subject ***Writ*** was pending. Upon public disclosure and pursuit of due process, the Rices requested a federal investigation as candidates for elective office, upon which Judge Grubbs and Attorney Calhoun scheduled unlawful hearings for contempt with pending appeals, attempting to establish jurisdiction over the Rices, in order to impose punitive measures and rob them further of their God given and federally protected rights to due process.

Additionally, Mrs. Rice as a reporter, obtained public documents from the court record and published articles regarding overt miscarriages of justice, only to have Judge Grubbs publish ***Orders***, with footnotes denoting her responses and dissatisfaction regarding Mrs. Rice's article or public disclosures. Subsequently, Mrs. Rice, in a case wherein she was not a party, was ordered to appear before Judge Grubbs to attest to incarceration compliance for another person, though Mrs. Rice had no part, involvement, or interest in the underlying matter.

Repeatedly, Petitioners/the Rices have been targeted by those working in concert with Judge Grubbs and/or Attorney Calhoun to include county employees, GA BAR Members, ABA Members, GA US Attorney's Office, GA FBI Office, Cobb County Sheriff's Department, GA AG, the GA Courts, local officials, Governor Sonny Perdue, DOJ Employees (Grubbs is an honorary member per former Speaker Newt Gingrich's appointment), and elected officials (to include BC's personal relationship with the Bush White House). Despite oaths of office of the aforementioned, at no time have the laws for the State of GA or federal law been upheld. Yet continuously the Rices are barraged with

pleadings, hearings, and ongoing fraud without exception, in direct opposition to any legal standard.

Petitioners/Rices have been forced from their home of 15 years for fear of their lives, and had both their physical lives and livelihood threatened throughout this 7 year violation of due process and assault with no lawful review or willing prosecution of willful violations. Even their very liberty has been jeopardized SOLELY for refusing to become a participant in overt fraud. But to accept 'fraud upon the court,' would only negate the 'rule of law' and any civilized standard, jeopardizing every citizen's rights, for which the Rices cannot acquiesce.

Respectfully submitted this 25th day of July, 2007.

All Rights Reserved
Without Prejudice UCC 1-308

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s/ stamped BL
Jay C. Stephenson
Clerk of Superior Court Cobb County

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

J. ANDREW RICE and	*	
KATHRYN W. RICE	*	CIVIL ACTION NO.
Petitioners,	*	05-1-0437-18
v.	*	
JUDGE ADELE GRUBBS,	*	
Respondent.	*	

ORDER

An oral hearing on Defendant's Motion to Dismiss and Plaintiffs' Motion for Change of Venue was conducted on May 3, 2005.

Plaintiff seeks to have its complaint adjudicated by a judge outside of the Cobb Judicial Circuit in which Defendant is employed.

The Judicial Qualifications Council Opinion No. 220 concludes that "...it is inappropriate for any trial court judge to preside in any action wherein one of the parties holds a judicial office on the same or any other court which sits in the same circuit." The Georgia Court of Appeals has referred to this prohibition as a "bright-line rule." *Georgia Transmission Crop. V. Dixon,* 267 Ga. App. 575, 577 (2004).

It appearing that Defendant is a sitting superior court judge in the same circuit as this Court, the District Court Administrator is hereby directed to assign an appropriate judge from outside the Cobb Circuit to preside over the action.

This 20th day of May, 2005.

s/_____
George H. Kreeger, Judge
Cobb Superior Court
Cobb Judicial Circuit

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(handwritten)

Filed in Office Jun-13-2005 11:30:01
ID# 2005-0074388-CV
Page 1
s/ stamped
Jay C. Stephenson
Clerk of Superior Court Cobb County

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

ORDER OF APPOINTMENT OF JUDGE

There being the need for the temporary services of an additional Superior Court Judge in the Cobb Judicial Circuit; and

WHEREAS, The Honorable Arthur Fudger, Senior Judge of the Superior Courts of Georgia, has agreed to assist the court in said assignment;

NOW, THEREFORE, The Honorable Arthur Fudger, is hereby assigned to serve as a Superior Court Judge in the Cobb Judicial Circuit, in Cobb Superior Court, to hear and preside over the Motion to Recuse Judge Ingram in the case of J. Andrew Rice and Kathryn W. Rice v. Judge Adele L. Grubbs, Civil Action Number 05-1-0437-18, Cobb Superior Court said appointment becoming effective contemporaneously with the filing of this Order and continuing until such time thereafter as is reasonably necessary to dispose of said Motion.

The Honorable Judge Arthur Fudger is hereby authorized and empowered to preside and discharge all the duties, power and authority of a Judge of the Superior Courts of the Cobb Judicial Circuit in Cobb Superior Court.

Let this Order, or a copy thereof, be filed with the Clerk of the Superior Court of Cobb County, Georgia, and with the office of the Seventh Judicial Administrative District.

(The following upside down facsimile header appears at bottom of this page - Unable to place header in correct position in this format)

"08 10 2005 20 44 7703875479
SEVENTH DISTRICT PAGE 02 05"

GEORGIA, COBB COUNTY
I HEREBY CERTIFY THE WITHIN AT
FOREGOING TO BE A TRUE AND CO
AND COMPLETE COPY OF THE ORIG
THAT APPEARS OF RECORD
CASE No. 05-1-0002 IN THIS OFFICE
THIS 13 DAY OF June 2005
s. Alisha Thatch
DEPUTY CLERK, COBB SUPER
COURT, COBB COUNTY, GEOR

June (handwritten)
This, the 3 day of ~~May~~, 2005

s/_____
JON BOLLING WOOD
ADMINISTRATIVE JUDGE
SEVENTH JUDICIAL DISTRICT

cc. Honorable Arthur Fudger, Senior Judge

(The following upside down facsimile header appears at bottom of this page Unable to place header in correct position in this format)

"08 10 2005 20 44 7703875479
SEVENTH DISTRICT PAGE 03/05"

05-1-0002
(handwritten)

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The Honorable Judge Arthur Fudger is hereby authorized and empowered to preside and discharge all the duties, power and authority of a Judge of the Superior Courts of the Cobb Judicial Circuit in Cobb Superior Court.

Let this Order, or a copy thereof, be filed with the Clerk of the Superior Court of Cobb County, Georgia, and with the office of the Seventh Judicial Administrative District.

June (handwritten)
This, the 3 day of ~~May~~, 2005

s/_____
JON BOLLING WOOD
ADMINISTRATIVE JUDGE
SEVENTH JUDICIAL DISTRICT

cc. The Honorable Arthur Fudger, Senior Judge

05-1-0002
(handwritten)

Filed in Office Jun-13-2005 11:30:01
ID# 2005-0074388-CV
Page 1
s/ stamped
Jay C. Stephenson
Clerk of Superior Court Cobb

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

ORDER OF APPOINTMENT OF JUDGE

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The Honorable Judge Arthur Fudger is hereby authorized and empowered to preside and discharge all the duties, power and authority of a Judge of the Superior Courts of the Cobb Judicial Circuit in Cobb Superior Court.

Let this Order, or a copy thereof, be filed with the Clerk of the Superior Court of Cobb County Georgia, and with the office of the Seventh Judicial Administrative District.

GEORGIA, COBB COUNTY
I HEREBY CERTIFY THE WI
AND FOREGOING TO BE A T
AND CORRECT AND COMPL
COPY OF THE ORIGINAL TH
APPEARS OF RECORD
CASE No 05-1-0002 IN THIS C
THIS 11 DAY OF August 2005
s Steve Fox
DEPUTY CLERK, COBB SU
COURT, COBB COUNTY, GE

(No fax header appears in this version However, a line appears at the bottom of the page, indicating the fax header was covered prior to copying by the Clerk Said line cannot be reproduced in this format)

APPENDIX

June (handwritten)
This, the 3 day of ~~May~~, 2005

s/_____
JON BOLLING WOOD
ADMINISTRATIVE JUDGE
SEVENTH JUDICIAL DISTRICT

cc. The Honorable Arthur Fudger, Senior Judge

Filed in Office Jul-07-2005 14:39:20
ID# 2005-0085324-CV
Page 1
s/ stamped JH
Jay C. Stephenson
Clerk of Superior Court Cobb

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

J. ANDREW RICE and	)	
KATHRYN W. RICE	)	Civil Action
Plaintiffs,	)	No. 05-1-0437-18
	)	
vs.	)	
	)	
ADELE L. GRUBBS	)	
Judge, Superior Court of	)	
Cobb County,	)	
Defendant.	)	

ORDER

Plaintiffs, acting pro se, filed their petition January 18, 2005 seeking a Writ of Prohibition, change of venue, oral hearing and request for jury trial. On February 4, 2005 the Attorney General of the State of Georgia filed an answer and Motion to Dismiss on behalf of the Defendant. On April 11, 2005 the Attorney General filed a Motion for Sanctions, with attached affidavits, against Plaintiffs. On May 3, 005 an oral hearing was held, and Judge George H. Kreeger directed the District Court Administrator to assign a judge outside the Cobb Circuit to preside over this action. On June 13, 2005 the Administrative Judge for the Seventh Judicial District issued an order appointing the undersigned to preside over the case.

Prohibition is an extraordinary remedy carried over from the common law of England and is only available in limited circumstances to restrain subordinate courts where there is no other available remedy. O.C.G.A. § 9-6-41, Gordon v. Whitwell, 278 Ga. 708 (2004). The undersigned knows of no legal or equitable right to change venue in civil

actions. Normally, in equitable cases, such as this, there is no statutory right to a jury trial. Unless ordered by the court, all motions in civil cases shall be decided without oral hearing except Motions for New Trial and Motions for Judgment NOV, Uniform Superior Court Rule 6.3.

It appears Plaintiffs are attempting to re-litigate the exact same case Defendant heard in Cobb Superior Court, Case No. 02-1-04560-42. Plaintiffs appealed Defendant's Order to the Court of Appeals, which was affirmed by the three-judge panel in a seventeen page decision written by Judge Eldridge, Rice v. Lost Mountain Homeowners Assoc., Inc., 269 Ga. App. 351 (2004). This decision also affirmed that the restrictive covenants ran with the land and bad fairht by the Plaintiffs warranted an award of attorneys' fees. Plaintiffs did not exhaust their legal remedies by seeking a rehearing from all 12 members of the Court of Appeals or applying for certiorari to the Supreme Court. The right of judicial review of a judge's ruling is an adequate legal remedy in order to deny a Writ of Mandamus or Prohibition, Ford Motor Co. v. Laurena, 279 Ga. 284 (2005).

Plaintiffs have also filed a suit against Defendant in the United States District Court for the Northern District of Georgia, Civil Action No. 1:04-CV-4312-BBM. In this action they alleged impropriety by Judge Grubbs. This case was dismissed, with the presiding judge stating that Judge Grubbs had absolute judicial immunity and the Federal Courts did not have subject matter jurisdiction. Plaintiffs have appealed this case to the Eleventh Circuit Court of Appeals, but it is doubtful it will be any more successful than in the state appeal.

The facts are clear and undisputed. Plaintiffs erected an 11-foot fence, and there were restrictive covenants on the property prohibiting such construction. This litigation ended when the Georgia Court of Appeals issued its decision and the time for rehearing and further appeals expired. Plaintiffs can no longer attempt to re-litigate the same issues and judge shop. All actions involving substantially the same parties,

subject matter, and factual issues shall be heard by the same judge, Uniform Superior Court Rule 3.2. Not only does this provide for judicial economy, but it also prevents judge shopping.

This Court cannot allow this litigation to continue and must award additional bad faith attorneys' fees to deter such conduct. Plaintiffs are **HEREBY ORDERED** and directed to pay to the Attorney General of the State of Georgia the additional sum of $1752.50 as attorneys' fees for defending this action on behalf of Defendant. It is;

HEREBY FURTHER ORDERED, that Plaintiffs' petition shall be and the same is dismissed and denied with all costs assessed to the Plaintiffs.

SO ORDERED, this 5th day of July 2005.

s/_____
Arthur W. Fudger, Senior Judge
Cobb Superior Court

In the Supreme Court of Georgia

Decided: Jan-8 2007

S06A2024 RICE et al. v. GRUBBS

SEARS, Chief Justice.

This case involves the trial court's denial of a writ of prohibition filed by J. Andrew Rice and Kathryn W. Rice in which they contended that Judge Adele Grubbs should be barred from presiding over any case currently pending or pursued in the future by the Rices. Having reviewed the record before us, we find that the trial court did not err in denying the writ of prohibition. In its order denying the writ of prohibition, however, the trial court assessed attorney fees against the Rices without holding a prior hearing on the matter. In order to enter an award of attorney fees, a hearing is required "because an oral hearing gives the party opposing attorney fees an opportunity to confront and challenge testimony with regard for the need for, and value of, legal services." (Citations omitted.) Evers v. Evers, 277 Ga. 132 (1)(587 SE2d 22)(2003). Accordingly, we must vacate the award of attorney fees and remand this case to the trial court in order for the requisite hearing to be held.

Judgment affirmed in part, vacated in part, and case remanded with direction. All the Justices concur.

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SUPREME COURT OF GEORGIA
(symbol)
1845

SUPREME COURT OF GEORGIA
Case No. S06A2024

Atlanta February 26, 2007

The Honorable Supreme Court met pursuant to adjournment.
The following order was passed.

J. ANDREW RICE et al. v. ADELE L. GRUBBS, JUDGE

Upon consideration of the Motion to Stay Remittitur filed in this case, it is ordered that it be denied.

It is further ordered that the Motion for Protective Order and Temporary Restraining Order is denied.

SUPREME COUR OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from minutes of the Supreme Court of Georgia
Witness my signature and the seal of said co hereto affixed the day and year last above written.

s Lynn M (unintelligible), Chief Deputy Clerk

(seal)
SUPREME COURT OF THE
STATE OF GEORGIA
(symbol)
1845

SUPREME COURT OF GEORGIA
Case No. S06A2024 Atlanta, February 26, 2007

The Honorable Supreme Court met pursuant to adjournment.
The following order was passed:

J. ANDREW RICE et al. v. ADELE L. GRUBBS, Judge

Upon consideration of the Motion for Reconsideration filed in this case, it is ordered that it be hereby denied.

SUPREME COUR OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia
Witness my signature and the seal of said court hereto affixed the day and year last above written.

Theresa S Barnes, Clerk
(NO SIGNATURE OR SEAL)

U.S. CONSTITUTIONAL AND STATUTORY PROVISIONS

Article VI, ¶ 3

The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by the Oath of affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held liable to answer for a capital, or otherwise infamous crime, unless on a presentment ro indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or

property, without due process of law; nor shall private property be taken for public use without just compensation.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Amendment XIV

Section. 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

18 USC § 3

Whoever, knowing that an offense against the United States has been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment, is an accessory after the fact.

Except as otherwise expressly provided by any Act of Congress, an accessory after the fact shall be imprisoned not more than one-half the maximum term of imprisonment or (notwithstanding section 3571 [18 USCS § 3571]) fined not more than one-half the maximum fine prescribed for the punishment of the principal, or both; or if the principal is punishable by life imprisonment or death, the accessory shall be imprisoned not more than 15 years.

18 USC § 4

Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals

and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

18 USC § 1343

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation affects a financial institution, such person shall be fined not more than $ 1,000,000 or imprisoned not more than 30 years, or both.

28 USC § 1257

(a) Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

(b) For the purposes of this section, the term "highest court of a State" includes the District of Columbia Court of Appeals.

42 USC § 1983

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the

District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

42 USC § 1985

(1) Preventing officer from performing duties. If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

(2) Obstructing justice; intimidating party, witness, or juror. If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror

in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) Depriving persons of rights or privileges. If two or more persons in any State or Territory conspire, or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice-President, or as a member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators.

42 USC § 1986

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in the preceding section [42 USCS § 1985], are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action, and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding five thousand dollars damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.

GEORGIA CONSTITUTIONAL AND STATUTORY PROVISIONS

Article I, Section I, Paragraph I.

No person shall be deprived of life, liberty, or property except by due process of law.

Article I, Section I, Paragraph II.

Protection to person and property is the paramount duty of government and shall be impartial and complete. No person shall be denied the equal protection of the laws.

Article I, Section I, Paragraph V.

No law shall be passed to curtail or restrain the freedom of speech or of the press. Every person may speak, write, and publish sentiments on all subjects but shall be responsible for the abuse of that liberty.

Article I, Section I, Paragraph IX.

The people have the right to assemble peaceably for their common good and to apply by petition or remonstrance to those vested with the powers of government for redress of grievances.

Article I, Section I, Paragraph XI(a).

The right to a trial by jury shall remain inviolate, except that the court shall render judgment without the verdict of a jury in all civil cases where no issuable defense is filed and where a jury is not demanded in writing by either party. In criminal cases, the defendant shall have a public and speedy trial by an impartial jury; and the jury shall be the judges of the law and the facts.

Article I, Section I, Paragraph XII.
No person shall be deprived of the right to prosecute or defend, either in person or by an attorney, that person's own cause in any of the courts of this state.

JQC Opinion 220
Even without a showing of actual bias, prejudice or unfairness, and regardless of the merits or timeliness of a Motion to Recuse, it is inappropriate for any trial court judge to preside in any action wherein one of the parties holds a judicial office on the same or any other court which sits in the same circuit

O.C.G.A. § 9-6-27
(a) Upon the presentation of an application for mandamus, if the mandamus nisi is granted the judge shall cause the same to be returned for trial not less than ten nor more than 30 days from such date. The defendant shall be served at least five days before the time fixed for the hearing.

(b) If no issue of fact is raised by the application and answer, the case shall be heard and determined by the court without the intervention of a jury.

(c) If an issue of fact is involved, it may be heard by the judge upon the consent of all parties. Otherwise, the case shall be set for trial upon the first day of the next term of the superior court as other jury cases are tried. However, if the court has a scheduled session for jury trials which will occur before the next term, the case shall stand for trial at the present term.

O.C.G.A. § 9-6-40

The writ of prohibition is the counterpart of mandamus, to restrain subordinate courts and inferior judicial tribunals from exceeding their jurisdiction, where no other legal remedy or relief is given. The granting or refusal thereof is governed by the same principles of right, necessity, and justice as apply to mandamus.

O.C.G.A. § 9-11-38

The right of trial by jury as declared by the Constitution of the state or as given by a statute of the state shall be preserved to the parties inviolate.

5.00 (handwritten)
SPECIAL WARRANTY DEED-STATE OF GEORGIA, COUNTY OF DEKALB

THIS INDENTURE made this 15th day of FEBRUARY in the Year of our Lord One Thousand Nine Hundred and NINETY ONE, Between

DECATUR FEDERAL SAVINGS AND LOAN ASSOCIATION
As Grantor, and

J. ANDREW RICE AND KATHRYN W. RICE
AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP
as Grantee.

In this deed, wherever the context so requires, the masculine gender includes feminine and/or neuter and the singular number includes the plural. Wherever herein a verb, pronoun, or other part of speech is used in the singular, and there be more than one Grantor or Grantee, said singular part of speech shall be deemed to read as the plural, and each Grantor shall always be jointly and severally liable for the performance of every promise and agreement made herein. Wherever herein Grantor or Grantee is used, the same shall be construed to mean as well, the heirs, executors, administrators, successors, representatives and assigns oi the same.

WITNESSETH: That the GRANTOR, for and in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS, in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has bargained and sold, and by these presents does grant, bargain, sell and convey unto the said GRANTEE, the following described property:

ALL THAT TRACT OF PARCEL OF LAND LYING AND BEING IN LAND LOT 309 OF THE 20TH DISTRICT, 2ND SECTION OF COBB COUNTY, GEORGIA, BEING LOT 109, LOST MOUNTAIN TOWNSHIP SUBDIVISION, PHASE THREE, ACCORDING TO PLAT RECORDED AT PLAT BOOK 114, PAGE 72, COBB COUNTY RECORDS, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE.

192.00 (handwritten)

Cobb County, Georgia
Real Estate Transfer Tax
Paid 192 00
Date 2-28-91
Jay C. Stephenson
Clerk of Superior Court

FILED AND RECORDED
91 FEB 28 AM 9 12

s/(stamp) Jay C Stephenson
COBB SUPERIOR COURT CLERK

TO HAVE AND TO HOLD the said tract of land, with all and singular the rights, members, and appurtenances thereof, to the same being, belonging, or in any wise appertaining, to the only proper use, benefit and behoof of the said GRANTEE, his heirs and assigns, forever, in Fee Simple.

AND THE SAID GRANTOR, for himself, his heirs, executors and administrators, will warrant and forever defend the right and title, to the above-described property, unto the said GRANTEE, his heirs and assigns, against the lawful claim of all persons claiming by, through or under the said GRANTOR.

Signed, sealed and delivered in the presence of:
s/ unintelligible
Witness
s/(Newsom Cummings) (N.P. Seal)

Notary Public Commission Expires 10-18-92

NEWSOM CUMMINGS,
NOTARY PUBLIC
STATE OF GEORGIA
COUNTY OF
DEKALB
NOTARY SEAL

Notarial Date 2/15/91

DECATUR FEDERAL SAVINGS AND LOAN ASSOCIATION

BY: s/ (Randall L. Kehely) (Seal)
PROPERTY ADMINISTRATION OFFICER

By:S/ (Diane L. Eller) (Seal)
DIANE L. ELLER
Department Vice President
Compliance/Quality Control

DECATUR FEDERAL SAVINGS AND LOAN ASSOCIATION INCORPORATED

SEAL

CORPORATE SEAL

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